

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In Re:	*	
Viviana Julia Fernandez	*	Case No. 15-58446-wlh
Debtor(s)	*	
	*	Chapter 13
	*	

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NOTICE OF ASSIGNMENT OF HEARING ON DEBTOR'S  
MOTION TO SET ASIDE DISMISSAL

PLEASE TAKE NOTICE that the Debtor has filed a Motion to Set Aside Dismissal and related papers with the Court seeking an Order granting such.

*PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1403, United States Courthouse, 75 Spring St, SW, Atlanta, GA at 9:30 am on September 9, 2015,*

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that the Clerk receives it at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Room 1340, 75 Spring Street, SW; Atlanta, GA 30303.. You must also mail a copy of your response to the undersigned at the address stated below.

Dated this 25th day of August, 2015.

C. Golden and Associates, LLC  
Attorneys for Debtor

By

\_\_\_\_\_/s/\_\_\_\_\_  
Khristie L Kelly, GA Bar 412755  
5353 Fairington Rd., Suite C  
Lithonia, GA 30038  
kkelly@goldenbk.com

UNITED STATES BANKRUPTCY COURT  
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	*	Chapter 13
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**MOTION TO SET ASIDE DISMISSAL**

COMES NOW DEBTOR, Viviana Julia Fernandez, in the above-styled Chapter 13 case, by and through counsel, file this "Motion to Set Aside Dismissal", stating unto this Honorable Court the following:

1.

Debtor filed for relief in this Chapter 13 case on May 4, 2015.

2.

The confirmation hearing was July 22, 2015. At the confirmation hearing the case was placed on Ten (10) day Status for the Debtor to notice the Homeowners Association creditor.

3.

The debtor provided information to Debtor's counsel. Debtor's counsel provided proof of payment to the Home Owner's Association to the Chapter 13 Trustee; however, due to a miscommunication failed to formerly serve notice of the bankruptcy on the Home Owner's Association.

4.

Counsel for the Chapter 13 trustee filed a supplemental request for Dismissal (Doc. No. 21) requesting dismissal because the Status requirements had not been satisfied in that the Home Owner's Associate had not been formerly noticed.

5.

On August 13, 2015, the Court dismissed the above styled case. Debtor and Debtor's counsel believe that this case will be confirmable posture by the reset confirmation date and that it is in the best interest of the Debtor, creditors and the estate for this dismissal to be set aside, and the case be reinstated.

WHEREFORE, Debtor prays:

- (a) that this Motion be filed, read and considered;
- (b) that this Court vacate its order which dismissed the above styled Chapter 13 case;
- (c) that this Court reinstate the above-styled Chapter 13 case;
- (d) that this Court re-appoint the Chapter 13 Trustee; and,
- (e) that this Court grant such other and further relief as it deems just and proper.

Respectfully submitted this 25th day of August, 2015.

C. Golden and Associates, LLC  
Attorneys for Debtor(s)  
/s/ Khristie L. Kelly  
Khristie L. Kelly, GA Bar 412755  
5353 Fairington Rd. Ste C  
Lithonia, GA 30038  
Phone 770-220-7220  
kkelly@goldenbk.com

## **Certificate of Service**

I certify that I have this date served the following parties with a copy of the within and foregoing Notice of Hearing and Motion To Set Aside Dismissal by Placing a true copy of same in the United States Mail with adequate postage affixed thereto to insure delivery, addressed to:

Viviana Julia Fernandez  
2923 Newtons Crest Circle  
Snellville, GA 30078

Nancy J. Whaley, Chapter 13 Trustee  
303 Peachtree Center Ave NE  
Suite 120  
Atlanta, GA 30303

And all interested parties on the attached matrix.

Respectfully submitted this 25th day of August, 2015.

C. Golden and Associates, LLC  
Attorneys for Debtor  
/s/ Khristie L. Kelly  
Khristie L. Kelly, GA Bar 412755  
5353 Fairington Rd. Ste C  
Lithonia, GA 30038  
Phone 770-220-7220  
kkelly@goldenbk.com

Label Matrix for local noticing  
113E-1  
Case 15-58446-wlh  
Northern District of Georgia  
Atlanta  
Tue Aug 25 11:19:10 EDT 2015

Ar Resources Inc  
1777 Sentry Pkwy W  
Blue Bell, PA 19422-2206

Cavalry Portfolio Serv  
Po Box 27288  
Tempe, AZ 85285-7288

Cavalry SPV I, LLC  
500 Summit Lake Drive, Ste 400  
Valhalla, NY 10595-1340

CitiMortgage, Inc.  
P.O. Box 6030  
Sioux Falls, SD 57117-6030

Citimortgage Inc  
Po Box 9438  
Gaithersburg, MD 20898-9438

Viviana Julia Fernandez  
2923 Newton's Crest Circle  
Snellville, GA 30078-6944

(p)FIDELITY INFORMATION CORPORATION  
PO BOX 3963  
GLENDALE CA 91221-0963

Homeward Residential  
1525 S Belt Line Rd  
Coppell, TX 75019-4913

Stanley J. Kakol Jr.  
C. Golden & Associates  
Suite C  
5353 Fairington Road  
Lithonia, GA 30038-1164

Old Republic Insurance Company  
c/o Republic Equity Credit Services  
15th Floor  
307 N Michigan  
Chicago IL 60601-5405

The Bureaus Inc  
1717 Central St  
Evanston, IL 60201-1507

Nancy J. Whaley  
Nancy J. Whaley, 13 Trustee  
Suite 120  
303 Peachtree Center Avenue  
Atlanta, GA 30303-1286

Ryan J. Williams  
Nancy J. Whaley  
Standing Chapter 13 Trustee  
303 Peachtree Center Avenue  
Suite 120  
Atlanta, GA 30303-1286

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Fidelity Info Corp  
Po Box 100  
Pacific Palisades, CA 90272

End of Label Matrix  
Mailable recipients 13  
Bypassed recipients 0  
Total 13